



3-11-04

3 RCE  
\$ 1654

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/242,215
Filing Date	February 8, 1999
First Named Inventor	Bill H. McAnalley
Art Unit	1654
Examiner Name	Flood, Michele C
Attorney Docket Number	23100.36

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
Deposit Account No. 08-1394

i. ☒ RCE fee required under 37 CFR 1.17(e) 03/12/2004 MGBREM1 00000127 09242215

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 01 EC:1801 770.00 OP  
02 FC:1202 270.00 OP

iii. ☒ Other Excess claims

b. ☒ Check in the amount of \$ 1,150.00 enclosed

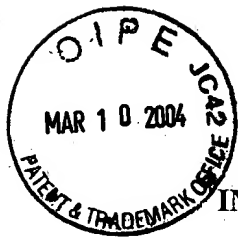
c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Randall C. Brown	Registration No. (Attorney/Agent)	31,213
Signature		Date	March 10, 2004

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Name (Print/Type)	SANDRA KUBIN	Date	March 10, 2004
Signature		Date	March 10, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

Attorney Docket: 23100.36

Customer No.: 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:  
MCANALLEY et al.

Confirmation No.: 9780

Application No. 09/242,215

Group Art Unit: 1654

Filed: February 8, 1999

Examiner: M. Flood

For: Compositions of Plant Carbohydrates as Dietary Supplements

**SUBMISSION REQUIRED UNDER 37 CFR 1.114**  
**IN A REQUEST FOR CONTINUED EXAMINATION**

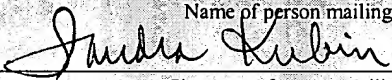
**Mail Stop RCE**

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

EXPRESS MAIL NO.: <u>EV333440175 US</u>	
DATE OF DEPOSIT: <u>March 10, 2004</u>	
This paper and fee are being deposited with the U.S. Postal Service Express Mail Post Office to Addressee service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<b>SANDRA KUBIN</b>	
Name of person mailing paper and fee	
	
Signature of person mailing paper and fee	

**I. INTRODUCTORY COMMENTS:**

The present paper is submitted pursuant to 37 CFR 1.114 as the required Submission in support of a Request for Continued Examination of the above-identified application, and constitutes a complete reply to the outstanding Final Office Action mailed in connection therewith on November 10, 2003.

A Transmittal of the Request for Continued Examination, a Petition for Extension of Time, and a check in payment of fees due under 37 CFR 1.17(a) and (e), and additional claims are submitted herewith.

If any additional fees are required for consideration of the present paper, I authorize the Commissioner to charge such fees, including fees for extension of time, to Haynes and Boone, LLP's Deposit Account No. 08-1394.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 9 of this paper.